

**APR 12 2006**

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U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

MARVIN ESTUARDO ESTRADA  
SUCHITE,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-76756

Agency No. A95-179-519

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Marvin Estuardo Estrada Suchite, a native and citizen of Guatemala,  
petitions for review of an order of the Board of Immigration Appeals dismissing  
his appeal from an immigration judge's decision denying his application for

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

asylum and withholding of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *Sangha v. INS*, 103 F.3d 1482, 1487 (9th Cir. 1997), we deny the petition for review.

Substantial evidence supports the agency's determination that Estrada Suchite did not establish past persecution or a well-founded fear of future persecution on account of a protected ground where he received only anonymous, ambiguous threats and where the only evidence as to the source and reason for the threats was Estrada Suchite's speculative testimony that ex-guerillas may have targeted him because of his past military service. *See Nahrvani v. Gonzales*, 399 F.3d 1148, 1153-54 (9th Cir. 2005); *see also Molina-Estrada v. INS*, 293 F.3d 1089, 1094-95 (9th Cir. 2002) (concluding that petitioner had not established a nexus to a protected ground based on his father's past military involvement). Accordingly, Estrada Suchite failed to establish eligibility for asylum, and we need not reach his contentions regarding the one-year deadline for filing his application.

Because Estrada Suchite failed to establish eligibility for asylum, he necessarily failed to meet the more stringent standard for withholding of removal. *See Cruz-Navarro v. INS*, 232 F.3d 1024, 1031 (9th Cir. 2000).

**PETITION FOR REVIEW DENIED.**